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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Australia, Austria, Belgium, Costa Rica, Finland, France, Germany, Hungary, Iceland, Ireland, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Portugal, Romania, Spain, Sweden and United States of America: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Recalling also its resolution 53/145 of 9 December 1998, Commission on Human Rights resolution 1999/76 of 28 April 1999[4] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/46/608-S/23177, annex.
[4] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Bearing in mind the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council[5] and the report of the Group of Experts appointed by the Secretary-General in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law,[6]

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Takes note* with appreciation of the report of the Secretary-General on the situation of human rights in Cambodia,[7] and notes in particular the concerns of the Special Representative about the problem of impunity, the need to promote and protect the independence of the judiciary and to establish the rule of law, and the need for the reform of police and the military;

3. *Welcomes* the agreement by the Government of Cambodia to extend the memorandum of understanding for the office of the United Nations High Commissioner for Human Rights at Phnom Penh until March 2002, enabling the office to continue its operations and to maintain its technical cooperation programmes, and encourages the Government to continue to cooperate with the office;

4. *Urges* the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

5. *Commends* the efforts by the Government of Cambodia to review, and its stated commitment to reduce the number of, the police and the military, urges the Government to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to assist the Government to this end;

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[5] A/43/850-S/1999/231.

[6] Ibid., annex.

[7] A/54/353.

6. *Also commends* the vital and valuable role played by non-governmental organizations in Cambodia, *inter alia*, in the development of civil society, and encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

7. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission which should be based on international standards, such as the Paris Principles,[8] and requests the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance in these efforts;

8. *Expresses grave concern* about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, as detailed in the reports of the Special Representative, and takes note of some progress made by the Government of Cambodia in addressing these issues;

9. *Also expresses grave concern* about the situation of impunity in Cambodia, commends the commitment and efforts by the Government of Cambodia to tackle this question, such as amending article 51 of the 1994 Law on Civil Servants, and calls upon the Government to take further measures, as a matter of priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

10. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge which has paved the way for the investigation and prosecution of its leaders, and takes note with interest of the steps taken by the Government of Cambodia to bring to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

11. *Appeals strongly* to the Government of Cambodia to ensure that those most responsible for the most serious violations of human rights are brought to account in accordance with the international standards of justice, fairness and due process of law, welcomes the efforts of the United Nations Secretariat and actors of the international community in assisting the Government to this end, and encourages the Government to continue to cooperate with the United Nations with a view to reaching an agreement;

12. *Reaffirms* that ensuring the security of persons and rights of association, assembly and expression remain matters of critical priority;

13. *Also reaffirms* the importance of the upcoming communal elections being conducted in a free and fair manner, and urges the Government of Cambodia to prepare for the communal elections accordingly;

14. *Welcomes* the adoption of a five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, as well as other measures taken by the Government to improve the status of women, and urges the Government to continue to take appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including seeking technical assistance;

[8] Resolution 48/134, annex.

15. *Commends* the recent initiatives of and the progress made by the Government of Cambodia towards ensuring adequate health conditions, calls upon the Government to continue to take further measures to achieve this goal, with emphasis on ensuring adequate health conditions for women and children and minority groups and the problem of HIV/AIDS, and encourages the international community to continue to support the Government to this end;

16. *Also commends* the continued efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child, and requests the international community to provide assistance for the achievement of this goal;

17. *Welcomes* the five-year national plan against child sexual exploitation in Cambodia, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures in support of the plan in order to tackle the problem of child prostitution and trafficking in Cambodia;

18. *Notes with serious concern* the problem of child labour, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, and invites the International Labour Organization to continue to extend the necessary assistance in this regard;

19. *Also notes with serious concern* the prison conditions in Cambodia, takes note with interest of the recent adoption of the Proclamation on Administration of Prisons and Prison Procedures, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve the prison conditions, especially with regard to providing the minimum standard of food and health care;

20. *Condemns* the use of racist rhetoric and acts of violence against ethnic minorities, urges an end to racial violence and vilification, and urges the Government of Cambodia to take all steps to meet its obligations as a party to the Convention on the Elimination of Racial Discrimination, including the seeking of technical assistance;

21. *Welcomes* the recent actions, in particular, taken by the Government of Cambodia to combat illicit logging which has seriously threatened the full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expresses the hope that these efforts by the Government will continue, and notes with interest the current revision of the law on land;

22. *Also welcomes* the submission of the initial reports of Cambodia under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, requests the Government of Cambodia to follow up the recommendations made by the Human Rights Committee regarding the report submitted under the International Covenant on Civil and Political Rights, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the office in Cambodia of the High Commissioner for Human Rights to continue to provide the necessary assistance in this regard;

23. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the ratification by Cambodia of the Convention on the Prohibition of the Use, Stockpiling,

Production and Transfer of Anti-personnel Mines and on Their Destruction in July 1999,[9] and encourages the Government of Cambodia to continue its support and efforts for the removal of these mines and for victim assistance and mine awareness programmes, and commends donor countries for their contributions and assistance to mine action;

24. *Expresses concern* about the high number of small arms in society and commends the efforts by the Government of Cambodia to control the spread of weapons;

25. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner for Human Rights, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

26. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

27. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-fifth session under the agenda item entitled "Human rights questions".

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[9] See CD/1478.